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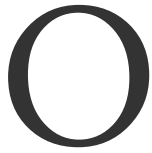
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California Lawmakers Consider Charging Counties Higher Fees For Failing To Properly House Foster Youth

BY JEREMY LOUDENBACK



A cell in a former juvenile detention facility that was recently used to house foster youth at Sacramento County's Thornton Youth Center. In the back, a wooden box hides the steel jail toilet. All young people left the facility in June. Photo courtesy of the Disability Rights California.



Over the past seven months, California lawmakers have listened to wrenching accounts of foster youth housed in a juvenile detention center, hotels and county offices where children were left to sleep on yoga mats and conference tables. These dire measures have been public problems in states across the country — from Washington and Oregon to Texas and Georgia — but they are emerging as well in California, home to the nation’s largest foster care system.

This month the state Legislature weighed in, sending a bill to Democratic Gov. Gavin Newsom with a new way to pressure local child welfare agencies to find more suitable homes: a \$1,000 daily fine.

“If we wouldn’t accept our own children or family members living in these conditions, we shouldn’t accept it for these vulnerable youth either,” Assemblymember Corey Jackson said at a Senate Human Services Committee hearing in July.



It’s time to change how we support kids

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Jackson’s [Assembly Bill 426](#), introduced in June, was prompted by [Sacramento Bee reporting](#) that revealed scores of foster youth had been placed over the past two years at the decommissioned Warren E. Thornton Youth Center. At the juvenile detention facility, foster children removed from their parents due to abuse and neglect findings slept in repurposed cells with two metal slab beds. To make the environment more “homelike,” The Bee reported, officials covered the jail-like steel toilets with wooden boxes. A uniformed guard watched over teens with histories of traumatic experiences and serious mental health needs, and visitors passed through a metal detector.

Other counties — including Los Angeles, Fresno, Riverside and Contra Costa — have placed foster youth in unlicensed settings where risks are high, supervision is poor and kids end up feeling unloved and unwanted. Jackson calls them “settings that are not conducive to supporting children.”

Elianna Peña, an 18-year-old foster youth, said she had to remain for weeks in a hospital last year, when social workers struggled to locate a suitable placement. Peña called greater state oversight proposed by Assemblymember Jackson “a great idea.”

“If you’re going to take us away from our families and become our parents in a way, we expect for them to take accountability,” Peña said.

Under current law established in 1985, counties can be fined by the state a maximum of \$200 a day for failing to properly house foster youth. AB 426 would increase that penalty five-fold for counties that don’t locate appropriate placements within 60 days.

Still, Jackson acknowledges that his legislation is limited in scope and would not solve the larger issues involved — the lack of psychiatric beds for youth with acute needs, inadequate number of foster parents and poor access to mental and behavioral health care. The Riverside County lawmaker vows to introduce subsequent legislation during next year’s session.

 Elianna Peña. Provided photo.

Dozens of states across the country struggle to provide suitable lodgings for foster children, mainly teenagers with complex needs. While there is no complete data set on how many foster children are living in non-licensed placements, thousands have had their lives negatively impacted over years. The much-maligned practice has become so commonplace there's new terminology to describe it: "hoteling," and "CWOPs," for children without placements.

In Washington, [hundreds of foster youth](#) have spent nights in offices and hotels — and even in social workers' cars, as [reported by The Imprint](#) in 2020. With the number of foster homes dwindling in [North Carolina](#), desperate child welfare officials there have turned to air mattresses in the conference room of a government office. Earlier this year, [two Texas foster youth](#) were sexually assaulted after running away from temporary housing in a Marble Falls shelter, further fallout from the ongoing foster youth housing crisis in that state.

Lawsuits by youth advocates in Texas, Georgia and Washington have led to some court-enforced solutions, including hiring specially trained professional foster parents and increasing access to intensive behavioral health services.

In California, the San Francisco-based Youth Law Center filed suit in June 2023 against Sacramento County's Department of Child, Family and Adult Services. The parties reached a [settlement](#) later that month, resulting in five years of Superior Court oversight. Under the agreement, Sacramento County pledged to invest in improved mental health services, better support youth placed with family members and purchase three residential homes for emergency placements. There are no longer kids sleeping in the shuttered juvenile facility.

“IF YOU’RE GOING TO TAKE US AWAY FROM OUR FAMILIES AND BECOME OUR PARENTS IN A WAY, WE EXPECT FOR THEM TO TAKE ACCOUNTABILITY.”

— ELIANNA PEÑA

In California, the problems extend far beyond Sacramento County.

A public records request filed by The Imprint revealed that over the past two years, the California Department of Social Services has repeatedly cited Contra Costa and Riverside counties for placing children in unlicensed settings. In Contra Costa County, at least two children slept in a county office building in Martinez for days on end.

Two years ago, The [Fresno Bee](#) revealed the use of conference tables and yoga mats as beds. In these offices, foster children were unable to shower and used empty water bottles when they had to urinate, the newspaper reported.

State officials ordered Riverside County to halt the use of a short-term rental property in the city of Perris to house several foster children in March of last year, followed by a [report](#) released last year by a former federal judge that disclosed the regular use of offices. The [Riverside Press Enterprise](#) reported last month that foster children continue to sleep on thin cots in a conference room in an office building, though the county recently purchased a shuttered group home in order to move the children out.

Then last month several public interest law firms [sued Los Angeles County](#). In a 108-page legal complaint, they described young people who end up in homeless shelters and hotels because of inappropriate housing and poor access to mental health services.

“Far too often, the system designed to protect and safeguard youths’ needs exacerbates their trauma as they are cycled through multiple unsuitable placements, lose contact with siblings and other loved ones, and experience abuse and neglect in foster placements,” the legal filing reads.

An earlier version of AB 426 would have charged counties as much as \$5,000 a day for unlicensed placements, and allowed the state to seize control of properties that housed foster children in unhealthy conditions. The trade group representing county child

welfare directors strongly opposed those conditions.

Amanda Kirchner, legislative director for the County Welfare Directors Association of California, said after Jackson's recent amendments to the bill, her organization and others like Sacramento and Los Angeles Counties removed their opposition. But she said that there must be limits to increasing state oversight of county child welfare operations.

"We can't come to the table if you're going to hit us with a big stick of fines," Kirchner said.

Even if the governor signs AB 426, the issue of unlicensed placements is not likely to quickly recede. While there are some proposed solutions, opinions are split on the best approach.

Earlier this year, the County Welfare Directors Association introduced a bill that called for a [\\$60 million investment](#) for more residential treatment center beds, including a new set of facilities designed to provide more intensive services than currently available.


Brian Blalock, a senior attorney with the Youth Law Center, said updated fines and a greater role for state oversight under AB 426 could also help.

But he added that broader systemic reforms would be the most effective in ensuring that California child welfare agencies stop allowing foster youth to sleep in hotels, shelters and county offices. The changes he calls for include more reliable wraparound mental health services to stabilize foster home placements and increased support to relative caregivers.

"When we place kids with family, young people are less likely to need another placement down the line because they tend to stay there," Blalock said.

Peña entered Los Angeles County's child welfare system for the first time at age 7. During her time in foster care, she said she has been moved more than 20 times. She's lost track of how many different schools she attended.

When she was 16, Peña suffered a panic attack after being placed with a roommate in a windowless, closet-sized room in a foster home; She ended up hospitalized as a result. After she refused to return to the foster home, social workers struggled to find another home-based placement, and so Peña said she lingered in the hospital for weeks.

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Eventually, Peña fought to stay in her sister's college dorm room. After the sisters successfully lobbied county social workers to allow the unorthodox arrangement, a week-long visit turned into a stable placement. Later that year, the siblings moved into their own apartment, where Peña was able to return to her high-school studies — and the pursuit of a lifelong dream.

She hopes to become an orthodontist to help young people, like herself, who are unable to afford dental care. Now 18, Peña is in her first year at California State University Long Beach, majoring in biology.

"When I arrived here with my sister, I felt a sense of relief knowing that I'm finally somewhere safe, where I can think about my future," Peña said.

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